

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA

*v.*

ELVIN R. MITCHELL, JR.

No. 1:17-CR-15-SCJ

**JOINT MOTION TO REDUCE SENTENCE  
FOR SUBSTANTIAL ASSISTANCE**

The United States of America, by Byung J. Pak, United States Attorney for the Northern District of Georgia, and Jeffrey W. Davis, Assistant United States Attorney, pursuant Federal Rule of Criminal Procedure 35, files this motion to reduce defendant Elvin R. Mitchell's sentence from 5 years in prison to 4 years in prison based on his substantial assistance to the United States.

**Procedural History**

1. On January 17, 2017, the United States Attorney charged Mitchell via Criminal Information with conspiratorial bribery and money laundering. (Doc. 1).
2. On January 25, 2017, Mitchell pleaded guilty to the Criminal Information. (Doc. 7-1).
3. On October 10, 2017, the Court sentenced Mitchell to 5 years in prison and 3 years of supervised release; and ordered Mitchell to pay \$1,120,535 in restitution and a \$100 special assessment. (Doc. 15). In its sentencing materials, the United States noted that should "Mitchell continue to cooperate with the FBI ... the United States anticipates moving to reduce Mitchell's sentence under Federal Rule of Criminal Procedure 35." (PSR at 27).

### Cooperation

4. Under Federal Rule of Criminal Procedure 35, “the court may reduce a sentence if the defendant, after sentencing, provided substantial assistance in investigating or prosecuting another person.”

5. In this case, Mitchell’s cooperation has substantially assisted the United States in the following ways: (a) shortly after being approached by the Federal Bureau of Investigation (“FBI”), Mitchell agreed to cooperate with the government; (b) Mitchell made several undercover recordings at the request and direction of the FBI; (c) Mitchell debriefed with and provided information to the FBI on multiple occasions; and (d) Mitchell’s cooperation led to the prosecutions of Charles P. Richards, Jr.; Shandarrick Barnes; and Mitzi Bickers. *See generally United States v. Richards*, 1:17-CR-30-SCJ; *United States v. Barnes*, 1:17-CR-275-SCJ; *United States v. Bickers*, 1:18-CR-98-SCJ.

6. For the reasons stated above, and pursuant to Federal Rule of Criminal Procedure 35, the United States and the defense jointly request that the Court reduce Mitchell’s prison sentence by 12 months. A 12-month departure is the equivalent of a 20 percent sentence reduction and is commensurate with Mitchell’s cooperation and his willingness to plead guilty early via criminal information.<sup>1</sup>

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<sup>1</sup> Mitchell understands and agrees that a 12-month sentence reduction sufficiently rewards him for his past and any future cooperation — including additional meetings and testifying.

**Conclusion**

WHEREFORE, the parties respectfully request that the Court grant this Joint Motion to Reduce Sentence for Substantial Assistance.

Respectfully submitted,

BYUNG J. PAK  
*United States Attorney*

/s/ JEFFREY W. DAVIS  
*Assistant United States Attorney*  
Georgia Bar No. 426418

/s/ CRAIG A. GILLEN  
*Counsel for Elvin R. Mitchell*  
*\* Signed with permission*

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**CERTIFICATE OF SERVICE**

The United States Attorney's Office served this document today by filing it using the Court's CM/ECF system, which automatically notifies the parties and counsel of record.

Dated: January 15, 2020.

/s/ Jeffrey W. Davis  
*Assistant United States Attorney*